

What, Not Who, Is a Jew?

DANIEL GORDIS

Lev Paschov, an Israeli soldier who immigrated to Israel under the Law of Return from the Former Soviet Union, was killed while on active duty in Southern Lebanon in 1993, and buried twice. He was first interred in a regular Israeli military cemetery, but after it was discovered that his mother was not Jewish, his body was exhumed, and Paschov was buried a second time, in a cemetery for non-Jews.

For many Israelis, the macabre end of Paschov's brief life journey was deeply disturbing. How was it possible that someone could be welcomed to Israel under the Law of Return, serve the Jewish state's army, and die defending his adopted homeland, and still not be considered Jewish enough to be buried alongside his comrades?

Is being a Jew fundamentally about the observance of every detail of Jewish law or does converting mean joining a covenantal community that sees itself as marginal, a community in which commandments are central, but perhaps not the defining characteristic?

But Jewish law is clear, traditionalists responded. Jews are either those who are born of a Jewish mother, or those who have converted to Judaism in a halakhically valid fashion. Yet others wondered: Had Jewish national sovereignty rendered classic halakhic standards insufficient? What, in our increasingly conflicted and nuanced world of identity formation, should being a Jew mean? What should joining the Jewish people require? Those questions, more than anything, are at the heart of the now relentless debate surrounding conversion, a debate that often threatens to tear the Jewish people asunder.

This vehement, often nasty, debate is not new. Even the talmudic sources are divided. A well known *baraita* (Yevamot 47a) says that converts should at first be turned away: "Our rabbis taught: If at the present time a man desires to become a proselyte, he is to be addressed as follows: 'What reason have you for desiring to become a proselyte? Do you not know that Israel at the present time is persecuted and oppressed, despised, harassed and overcome by afflictions?' If he replies, 'I know and yet I am unworthy,' he is accepted immediately" After he is accepted, he is instructed in *some* of the commandments, but his acceptance comes first.

But another source (*Bekhorot* 30b) insists

that a convert who rejects a single iota of Jewish law may not be accepted. These sources can be made to agree, but doing so clouds the question that their apparent contradiction raises. Is being a Jew fundamentally about the observance of every detail of Jewish law (as *Bekhorot* implies), or does converting mean joining a covenantal community that sees itself as marginal, a community in which commandments are central, but perhaps not the defining characteristic (as in *Yevamot*)?

Today's liberal Jewish communities, in which rigorous observance of the ritual commandments is no longer part of the fabric of daily Jewish life, insist that a genuine desire to join the Jewish people and share in its fate ought to be a sufficient standard for conversion. Many Orthodox communities, alarmed by what they see as the dilution of Jewish content in liberal Judaism, in general, and liberal conversations, in particular, have responded by adhering ever more rigidly to classic conversion standards. Valid conversions must be accompanied by a genuine commitment to observe the commandments — "for the sake of heaven" (*Geirim* 1:3) — they insist, and conversions that lack that are simply null and void.

Although pronouncements of the Israeli Chief Rabbinate and some leading Orthodox authorities seek to convey the impression that Orthodox standards for conversion are monolithic and always have been, the truth is much more complex. There has long been disagreement, even within Orthodox circles, about what constitutes "for the sake of heaven." Rabbi David Zevi Hoffmann (1843-1921), for example, ruled that a gentile man *could* be converted, even though he would not be observant, because his Jewish partner was already pregnant. (*Melamed L'ho'il, Yoreh De'ah* 83) That the prospective convert wanted to be Jewish, though he could have stayed with her regardless, was sufficient for the conversion to be considered "for the sake of heaven." Hoffmann introduced moral considerations, as well. If the man abandoned this woman because the court declined to convert him, she would still have a child, and without a husband, she would become a social pariah.

But Rabbi Moshe Feinstein (1895-1986), America's greatest halakhic authority, railed against such conversions and the Orthodox rabbis who performed them. "What value are they

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bringing to the Jewish people by accepting converts like these? For it is obviously not good for either God or the Jewish people that converts like these should be mixed into the Jewish people.” (*Iggerot Moshe, Yoreh De’ah* 157)

Feinstein’s certainty about what is good for God and the Jewish people evades most of us. Ours is an era of unprecedented complexity in the formation of identity. What we need now is

a conversation with each other — about what Jewishness is at its very essence and about how the changing face of world Jewry should and should not be reflected in conversion policy. We may not necessarily agree, but we will, one hopes, protect the unity, and therefore the survival, of the very people to which committed prospective converts still seek to dedicate their lives.

Making Jews: Conversion and Mitzvot

YEHIEL E. POUPKO

I write to pick up where Daniel Gordis leaves off. His description of the dilemma we face and of the various halakhic sources is accurate. He calls for “a conversation with each other — about what Jewishness is at its very essence and about how the changing face of world Jewry should and should not be reflected in conversion policy.” So let’s begin to talk. In the modern world, identity is self-constructed. Conversion is surely an expression of identity construction. According to a recent Pew Center report, Americans switch and adopt new forms of religion with a fair degree of frequency.

My grandfather had no Jewish identity; he was just Jewish. In traditional society, one is as one is born. In the matter of conversion, how can the contemporary reality of identity construction interact with the classic concept of *kedushat Yisrael*? This is our dilemma. *Kedushat Yisrael*, the metaphysical distinctiveness of the children of the patriarchs and matriarchs, is a consequence of ancient Israel standing at Sinai, and after hearing the word of God and experiencing revelation, agreeing to accept the responsibilities of being God’s chosen people. This *kedusha* is given concrete expression in a lifestyle characterized by observing the mitzvot. *Kedusha* is ever and always defined in proximity to the Holy One. *Kedushat Yisrael* is transmitted by mother to child because each mother is a child of someone who is of the sacred family of Abraham and Sarah, and thus possesses *kedusha*. *Yisrael* is a family that became a faith while remaining a family.

What, then, is *gerut*, or conversion? Maimonides’ careful and precise formulation reads as follows: “When a non-Jew seeks to enter the covenant and to gain shelter ‘neath the wings of the *Shekhina* and accept upon themselves the yoke of Torah, they require circumcision, immersion, and animal offering” (in Temple times). We see that the individual has

already accepted the belief in the One God and the yoke of Torah. Having accepted the yoke of Torah, the non-Jew must perform certain covenant-making acts in order to become a member of the Jewish nation. In the middle ages, especially among Ashkenazim, differences emerged about the extent of knowledge and what commitments of practice would be required of the convert. However, it is indisputable that conversion means that the candidate has already arrived at a belief in One God and accepted the yoke of the Torah, the mitzvot that God commanded the people *Yisrael*.

Judaism is constituted of the acceptance and practice of the mitzvot. Thus, it is inconceivable that a non-Jew could enter the nation of Israel and acquire *kedushat Yisrael* without acceptance of the yoke of mitzvot. There is no Judaism without mitzvot. However, there have been different halakhic positions over the centuries as to whether or not the acceptance of mitzvot requires the complete and perfect knowledge and practice of the mitzvot *at the time of conversion*, like circumcision and immersion in the mikvah.

The conversation that Daniel Gordis calls for has begun and, in the past, reached a good and useful resolution. I am sad to say that the religious-political temper and activity of our time have muted the conversation. Long ago, the Talmud Bavli took an essentially negative posture toward conversion, whereas the Talmud Yerushalmi’s attitude was essentially positive. Responses from the 1950s and 1960s, by Israel’s late chief rabbis, Yitzhak Halevi Herzog, Isser Yehuda Unterman, and Shlomo Goren, provide insight: If a non-Jew made *aliyah* and thus plighted his or her fate with the fate of the Jewish people, then circumcision and immersion in the mikvah, along with a general acceptance of the yoke of mitzvot, were sufficient to effect a halakhically valid conversion. Goren writes:

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